

## **Testimony before the Senate of the Virgin Islands**

**Date: 8/10/24**

**Location: St. Thomas, USVI**

**Re: US Virgin Islands Bill 35-0031 - Child Victims' and Child Witnesses' Rights Act**

### **Honorable Senators,**

Thank you for the opportunity to testify today in support of amending Bill 35-0031, the Child Victims' and Child Witnesses' Rights Act. This vital legislation represents a necessary step in safeguarding the rights and well-being of our children, who are among the most vulnerable members of our community.

### **Purpose and Need for the Legislation**

As we all know, the impact of crime on children can be profound and far-reaching. Victims of crime and witnesses to crime often experience trauma that can affect their emotional, psychological, and physical well-being. The current legal framework, though well intended, does not yet adequately address the unique needs of child victims and witnesses, leaving them at risk of further victimization or emotional distress during the judicial process.

This Act aims to fill that critical gap by clarifying the rights for child victims and witnesses, ensuring they receive the support and protections necessary to navigate the, **often intimidating**, judicial system. By creating a dedicated chapter within Title 5 of the Virgin Islands Code, we recognize the importance of treating child victims and witnesses with dignity and respect, providing them the necessary resources to heal and participate meaningfully in legal proceedings.

### **Key Provisions of the Bill**

Bill 35-0031 introduces four important provisions, including:

1. **Rights of Child Victims and Witnesses:** The bill outlines specific rights for child victims and witnesses, ensuring they have access to necessary support services, information about their case, and protections from intimidation, as demonstrated by adding language to support the child's preferences, the use of support animals, and the right not to testify in front of a defendant.
2. **Trauma-Informed Care:** It emphasizes the importance of a trauma-informed approach in handling cases involving children, recognizing the need for sensitivity and understanding in interactions with child victims and witnesses, as noted by adding "mental health professionals" to the multi-disciplinary team.
3. **Support Services:** The Act mandates the provision of appropriate support services, including advocacy, to help children cope with the aftermath of crime and the stresses of the legal process, such as allowing testifying children the right to have a trusted adult by their side.
4. **Training for Professionals:** It calls for the training of professionals, social service providers, and especially the guardian ad litem on the specific needs and rights of child

victims and witnesses, fostering a collaborative and informed approach to handling such sensitive cases.

### **Impact on the Community**

Passing amendments to this bill is not just a legal obligation; it is a moral imperative. By enacting the Child Victims' and Child Witnesses' Rights Act, we send a powerful message to our community: that we prioritize the safety, rights, and well-being of our children. This legislation has the potential to build a more compassionate justice system that **understands and addresses the unique challenges** faced by child victims and witnesses.

Moreover, it reflects our commitment to **preventing** further trauma and victimization. By creating an environment where children feel safe, supported, and empowered, we foster resilience and healing, which ultimately benefits our entire community.

### **Conclusion**

Children's cognitive and emotional development is not fully matured when compared to adults. Their understanding of legal concepts, courtroom procedures, and the implications of their testimony can be limited. This developmental stage affects how they process events and articulate their experiences. For instance:

- Children may struggle to comprehend the gravity of the situation or the judicial process. They might misinterpret questions or feel confused about the roles of various individuals in the courtroom. Also,
- The stress of participating in a legal case can be overwhelming for a child. Unlike adults, children might not have fully developed coping mechanisms to manage stress, anxiety, or fear associated with legal proceedings.

For children to effectively communicate their experiences and provide testimony, it is crucial that they feel safe and supported. A supportive environment ensures that children can express themselves honestly without fear of judgment or reprisal. This involves building trust and reducing fear:

- Establishing trust between the child and the professionals involved in the case is fundamental. Children need to feel that they are being heard and that their feelings and experiences are validated. This trust can be fostered through compassionate interactions and clear, age-appropriate explanations of the process.
- The courtroom can be an intimidating place, especially for a child. Creating a child-friendly environment and using supportive language helps to alleviate their fear and anxiety, making it easier for them to communicate their experiences.

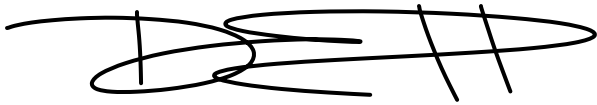
One of the primary concerns in judicial cases involving children is the risk of re-traumatization. Children who have already experienced trauma should not have to relive their

experiences in a way that exacerbates their distress. Key strategies to minimize re-traumatization include:

- Questions should be framed in a way that is age-appropriate and non-leading. This approach helps prevent children from feeling pressured or manipulated, which could worsen their trauma.
- Providing access to mental health professionals and support services before, during, and after the legal proceedings helps children manage their emotional well-being. This support can include counseling, play therapy, and other interventions tailored to the child's needs.

In conclusion, the proposed amendments to this bill will support a heightened degree of sensitivity and fundamental aspects of ethical practice by creating a safe and supportive environment for children. I urge all Senators to support amendments to Bill 35-0031. This legislation is a crucial step towards ensuring that our legal system serves as a source of protection and support for our most vulnerable citizens—our children. Thank you for your attention to this important matter. I look forward to answering any questions you may have.

Kind regards,

A handwritten signature in black ink, appearing to read 'Darian Torrice-Hairston', with a stylized flourish at the end.

Darian Torrice-Hairston, LMSW, CSW  
Director  
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